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**DOMESTIC SUPPORT OPERATIONS:
MILITARY ROLES, MISSIONS, AND
INTERFACE WITH CIVILIAN AGENCIES**

BY

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ABSTRACT

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The United States Army, United States Army Reserve, National Guard of the various states, and Federal Departments and agencies are frequently called upon to mitigate the effects of civil emergencies—earthquakes, hurricanes, floods, tornadoes, range and forest fires, snow removal, and civil disturbances—through cooperative execution of Domestic Support Operations (DSO). This paper will examine and discuss the DSO planning process, notification procedures for an emergency requiring assistance from the military, execution of emergency operations, termination of assistance, and the primary categories of DSO. It concludes with a discussion of military command responsibilities in DSOs and of federal and state responsibilities for responding to DSOs. This analysis assumes that the military will be called upon to support or coordinate with federal, state, and local governmental

departments and agencies during the planning for and conduct of DSOs. Although seldom the lead agency, except for the National Guard in some states, the military must be prepared to serve as a support agency in all emergency support functions.

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INTRODUCTION

Fighting and winning the nation's wars has been the U.S. Armed Forces' mission since the birth of the Republic. At the same time, our armed forces have provided general military support to the nation, including support to a wide variety of activities to assist civil authorities. The military has enforced law, quelled domestic violence and insurrection, combated terrorism, participated in public works and environmental projects, and assisted in disaster recovery operations.¹

During the Cold War, the nation's attention was focused on the Soviet threat. Its dramatic end has altered our domestic and foreign priorities, producing a new awareness of the value of military assistance to civil authorities in a variety of domestic operations. The military's roles and responsibilities in Domestic Support Operations (DSO) are formulated into several distinctive missions: Disaster Assistance, Civil-Military Cooperative Action Program, Civil Emergency and Environmental Assistance, and Law Enforcement Support.²

Recent natural disasters, situations of domestic violence, and acts of terrorism have prompted our elected leaders to use military forces. Not only has the National Guard been activated for State Active Duty (SAD), but the Active Force, along with

other federal agencies, has been directed to provide support in many of these incidents. The synchronization of these forces (state and federal) is not an easy task under the best of circumstances; during times of disaster and turmoil, the task is often arduous and difficult. Are current procedures adequate to ensure that U.S. citizens receive a systematic, coordinated, and effective response to restore order or to mitigate suffering and property loss? The following analysis will explore this question.

CATEGORIES OF DOMESTIC SUPPORT

"A Domestic Support Operation is the authorized use of military physical and human resources to support domestic requirements."³

Disaster Assistance. From the earliest years of the republic, the military, primarily the Army, has provided assistance in times of disaster. During the final year of the Civil War, Army Officers provided disaster relief through the Freedman's Bureau. The Army played a direct role in many disaster relief operations in the late nineteenth century, including the great Chicago Fire, the Johnstown Flood, and the earthquake at Charleston, South Carolina.⁴

In recent years, the President and Congress mandated an expanded role for the military services in federal disaster

assistance programs. The services now actively participate with federal and state agencies in disaster assistance planning, exercises, and operations in responses to both natural and man-made disasters. The military regularly provides disaster assistance to the States, the District of Columbia, and U.S. Territories and possessions when such assistance is requested by civil authorities.⁵

Civil-Military Cooperative Action Program. The Defense Authorization Act of 1993 directed the Secretary of Defense to establish a program entitled the Civil-Military Cooperative Action Program, which would use the skills, capabilities, and resources of the Armed Forces to assist civilian efforts to meet domestic needs in the United States.⁶ Through out its history the military has been providing this service to American communities. At the national level, these military efforts contribute to our citizens' well being and generate public support for the Armed Forces. State and local efforts foster an open, mutually satisfactory, cooperative relationship among installations, units, and the local community.

The most frequently conducted domestic support operations involve community assistance. Military resources may be used to support civilian organizations to promote the community's general welfare. These missions and operations include public works, education, and training. Other examples include military

participation in minor construction projects and providing color guards for local events. In compliance with existing regulations and directives, the military and local communities may establish mutual support agreements concerning medical, police, and emergency services.⁷

Civil Emergencies and Environmental Assistance. The military also provides assistance and support to federal agencies for other civil emergencies. Efforts at the national level focus on providing essential services, aiding public health programs, enforcing federal law, and supporting the ability of the government to function during periods of national crisis. These missions and operations include plans to augment U.S. Postal Service mail delivery in the event of a work stoppage, eradication of plant and animal diseases, response to emergencies arising from massive immigration, and continuity of government programs.⁸

Since the 1960s the Department of Defense (DOD) has provided a variety of resources to meet environmental challenges and demands for the restoration, conservation, and protection of the environment. The Army typically responds to contain hazardous material releases, restore contaminated land and water, and conserve the nation's natural and cultural resources. In compliance with *The Comprehensive Environmental Response, Compensation, and Liability Act of 1980* and to implement The

National Oil and Hazardous Substances Contingency Plan, the military has become a member of the national and regional response teams that are responsible for preparing for and responding to hazardous substance spills.⁹

The Department of Defense is also involved in environmental stewardship. The military assists civil authorities in preserving, protecting, and enhancing the environment through a strategy that rests on the four pillars of compliance, restoration, prevention, and conservation:

- Compliance is responding to small-scale hazardous material spills and coordinating support to other government agencies.
- Restoration is cleaning up contamination from past operations.
- Prevention is developing and sharing new technologies that reduce pollution generation.
- Conservation focuses on the preservation of natural and cultural resources such as wetlands and wildlands.

Army support for environmental protective missions may be initiated under disaster assistance regulations or executed under separate authority.¹⁰

Law Enforcement Support. Civil law enforcement support includes counterdrug operations, assistance for civil disturbances, special security operations, combating terrorism,

and explosive ordnance disposal. By their nature, some operations may become international in scope. Constitutional and statutory restrictions and corresponding directives and regulations additionally limit the type of support that can be provided in the international arena.

The Posse Comitatus Act of 1878¹¹ severely restricts the use of federal military forces to enforce public law. However, acting under constitutional provisions, the armed forces have been used on many occasions to quell civil disturbances and restore order. Military forces have been used for this purpose from the Whiskey Rebellion in 1794 to the urban riots of the 1960s and the Los Angeles riot of 1992.¹²

In 1981, Congress passed *The Military Cooperation With Civilian Law Enforcement Agencies Act* to facilitate military collaboration with civilian law enforcement agencies. Targeted on drug law enforcement, this Act dramatically expanded the military's role in counterdrug efforts. Today, Active, Reserve, and Guard forces are supporting operations to halt the flow of contraband into the United States; they commit personnel and equipment to aid state and local counterdrug programs.¹³

OVERVIEW OF DOMESTIC SUPPORT OPERATIONS

Domestic Support Operations may be undertaken in response to major disasters or emergencies. The more severe the disaster, the greater the demand for DOD resources over longer periods of time. Alleviating the effects of emergencies and major disasters is the shared responsibility of individuals, the private sector, volunteer organizations, local and state governments, and federal departments and agencies. The Department of Defense provides federal military assistance only when civil resources are insufficient and when requested to do so by appropriate civil authorities.

Department of Defense support to federal, state, and local agencies may be delivered by means of a broad range of activities in response to diverse events and occurrences. Domestic support ranges from commitment of a few individuals and specific commodities to large deployments of units and supplies. Scope of operations may vary from involvement at the local community to massive operations covering a multistate area. Local, state, and federal officials provide guidance and direction to military forces employed in DSO. However, federal military forces operate under the authority of the DOD Executive Agent¹⁴ and military command and control.

The President, as the Chief Executive Officer and Commander-in-Chief of U.S. military forces, authorizes the use of federal resources for DSO. The President, ordinarily at the request of a Governor, declares a disaster or emergency and appoints a Federal Coordinating Officer¹⁵ to manage federal assistance. The President also provides leadership and direction in other areas that may generate military support—for example, drug abuse, the social and physical infrastructure, and environmental pollution. The President may further assist in resolving these issues by committing federal resources or by proposing new programs.¹⁶

CONCEPT FOR DOMESTIC SUPPORT OPERATIONS

The Stafford Act (Public Law 93-288, as amended by Public Law 100-707)¹⁷ requires the federal government to provide an orderly and continuing means to provide supplemental assistance to state and local governments to alleviate suffering and damage resulting from major disasters and civil emergencies and to restore order during civil disturbances. The President has established responsibilities for the federal agencies in these areas and may direct any agency of the federal government to undertake missions and carry out tasks to provide assistance to state and local agencies. Additionally, Executive Order 12656¹⁸ establishes the policy of the federal government to maintain sufficient capabilities at all levels of government to meet

essential defense and civilian needs during any domestic civil emergency.

**DEPARTMENT OF DEFENSE
PRINCIPLES OF DOMESTIC SUPPORT OPERATIONS**

In support of DSO management, DOD employs centralized planning in conjunction with civil authorities and decentralized execution. The President and the Secretary of Defense establish priorities and determine what DOD resources will be made available for domestic support. The Chairman of the Joint Chiefs of Staff (CJCS) communicates the missions and orders from the National Command Authority to the operational forces and ensures the requisite transfer of military resources from one Commander in Chief (CINC) to another in response to a given emergency. The Chairman of the Joint Chiefs of Staff advises the DOD Executive Agent of the impact of DSOs on defense priorities and on current, planned, and contingency operations.

Military commanders ensure that DOD resources are used judiciously by adhering to the following principles:

- That civil resources are applied first in meeting requirements of civil authorities.
- That DOD resources are provided only when adequate response to recovery requirements exceeds the capabilities of civil authorities.

- That specialized DOD capabilities requested for DSO (e.g., airlift and airborne reconnaissance) are used efficiently.

- That military forces employed in DSO activities shall remain under military command and control under the authority of the DOD Executive Agent at all times.

- That DOD components shall not perform any function of civil government unless absolutely necessary, and then only on a temporary basis under conditions of immediate response.¹⁹

(Commanders who assume responsibility for civil functions must also work to restore the capability of civil authorities to perform the functions and return responsibility for those functions to civil authorities as soon as possible.)

The Department of Defense relies upon the lead federal agency to determine whether the situation exceeds the affected state and local capabilities. The lead federal agency, acting as the President's agent, evaluates the state's request for federal assistance, ensures that it meets all legal requirements, and makes a recommendation to the President. Upon approval of federal assistance, the lead agency can request DOD support to civil authorities.

At the national level, the Director of Military Support (DOMS) evaluates requests from the lead federal agency for feasibility and applicability to DOD assets. In the operations

area, the designated DOD representative validates support requests and responds accordingly.

Unless countermanded by the Secretary of Defense, military missions will have priority over DSO. Department of Defense planning parameters include:

- Army and Air National Guard forces, serving on state rather than federal orders, have primary responsibility for providing military assistance to state and local government agencies in civil emergencies.

- The Army National Guard State Area Command (STARC), when ordered to Federal Active Duty, will be the DOD's focal point for delivery of DSO at state and local levels.

- Domestic Support Operation plans and preparedness measures must foster close and continuous coordination for efficient employment of DOD resources of the National Guard (whether employed under state or federal authority), as well as resources of the DOD components in time of peace, war, or transition to war.

- In the event of an attack on the United States, its territories, or possessions, the scope of DSO in each geographic area will depend upon the commitment of military resources to military operations, the extent of damages sustained by the civilian communities, and the status of Active, Reserve and Guard forces.

- Department of Defense components ordinarily provide resources on a cost-reimbursable basis. However, the inability or unwillingness of a requester to commit to reimbursement will not preclude action by DOD components. The lead federal agency reimburses DOD for incremental costs, which are those costs that would not have been incurred in the absence of support to civil authorities. The lead federal agency furnishes DOD a contract number to record and capture costs associated with military support. Each expenditure eligible for reimbursement must include the contract number.

- Department of Defense components shall comply with legal and accounting requirements for loan, grant, or consumption of DOD resources for DSO, as necessary, to ensure reimbursement of costs to the DOD components under the Stafford Act, as amended; the Defense Emergency Response Fund established by Public Law 101-165 (1989); or other applicable authority.

- Department of Defense components will not procure, store, or maintain any supplies, materiel, or equipment exclusively for providing for DSO in civil emergencies, unless otherwise directed by the Secretary of Defense.²⁰

The Department of Defense requires the Military Services and selected DOD agencies to assign Emergency Preparedness Liaison Officers (EPLOs) to coordinate the use of DOD resources in support of civil authorities during Presidential declared

disasters. These liaison officers are generally reserve component officers, but they may be active duty military officers or civilians. Emergency Preparedness Liaison Officers are assigned to major civil and military headquarters that have primary responsibility for planning, coordinating, and executing military support to civilian authorities in disasters. These include United States Atlantic Command (USACOM), United States Pacific Command (USPACOM), United States Special Operations Command (USSOCOM), United States Transportation Command (USTRANSCOM), United States Army Forces Command (FORSCOM), the Continental United States Armies (CONUSA), State National Guard Headquarters, and Federal Emergency Management Agency (FEMA) national and regional offices. Emergency Planning Liaison Officers also serve in the CINCUSACOM's Service components such as Air Combat Command (ACC), Atlantic Fleet (LANFLT), and Marine Forces-Atlantic (MARFORLANT). Emergency Planning Liaison Officers possess unique service expertise and knowledge that enable them to coordinate an effective DOD response to disasters and emergencies.²¹

Forces Command is the USACOM Lead Operational Authority (LOA) for DSO in the 48 contiguous states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and the U.S. territories and possessions in the Atlantic area. This delegation empowers FORSCOM with the authority to plan for,

coordinate, and, when directed, to execute DSO in the USACOM area of responsibility.²²

United States Army Reserve (USAR) personnel may be activated in a volunteer status when ordered to active duty in lieu of annual training or after the President has declared a national emergency. The 15-Day Rule (10 USC 672[b]), allows USAR units and personnel not assigned to units to be ordered to active duty for a period not to exceed 15 days per year. If a USAR unit ordered to active duty under this authority uses it to perform annual training, this authority is no longer available for that unit until the next fiscal year. United States Army Reserve personnel who volunteer may be ordered to active duty for DSO under the provisions of 10 USC 672(d), Volunteers. Normally, as a matter of policy, USAR personnel are ordered to active duty for a period of more than 30 days to permit maximum benefits.²³

THE NATIONAL GUARD

The National Guard is based on the concept that able-bodied citizens have the privilege and responsibility of bearing arms for the common defense of their country. This tradition began in the 17th century with the organization of militia in the various colonies. Since that time, the National Guard has fought in every major American conflict, including Operation Desert Storm in 1991.

The National Guard traces its direct heritage to the organization of the North, South, and East Regiments in the Massachusetts Bay Colony on December 13, 1636. By the end of the Revolutionary War, the Founding Fathers recognized the important role the militia had played in winning the nation's independence. Although the authors of the Constitution empowered Congress to "provide for organizing, arming and disciplining the militia,"²⁴ they reserved to the states the rights of appointment of officers and training of the militia in recognition of the militia's state role. This Constitutional recognition of states' rights provided the basis for the National Guard's dual status and mission assignments.

The distinction between the federal and state roles of the National Guard was formalized in 1956 when Congress specified federal, state, and territorial differences in the United States Code (USC). These laws make provisions for the differences in the employment of the military as federal or state/territorial forces. Laws pertaining to the federal role of the National Guard are contained in Title 10 of the Code, while laws relating to state/territorial roles are contained in Title 32.²⁵

Each of the active services has a reserve structure to provide capability for immediate expansion when mobilized. The Army has two separate reserve elements provided by law. They are the Army Reserve, under the direct command and control of the

Army, and the Army National Guard, which is a state-controlled force until mobilized for federal duty. A similar situation exists in the Air Force: the Air Force Reserve, under direct Air Force control, and the Air National Guard, which is under state control until mobilized.²⁶ These forces are commonly referred to as the "reserve components" of these two services. In support of the mobilization function, the federal government supervises military instruction, furnishes field training facilities, pay, equipment, supplies, and a portion of the expenses for the construction of National Guard facilities. While the federal role has been strengthened, the National Guard of each state remains constitutionally a state-administered force whose mission is to protect life and property and to preserve peace, order, and public safety under the authority of state and federal authorities.²⁷

The National Guard has the primary responsibility for developing plans and providing military support to state and local governments. The administrative arm of the National Guard is the National Guard Bureau (NGB). The National Guard Bureau sets policy but does not have authority (other than fiscal) over the state militia units. The National Guard Bureau serves as the legal channel of communication between the Army, Air Force, and the National Guard in the 54 States and territories. The Chief of the National Guard Bureau is a Lieutenant General appointed by the

President with the advice and consent of the Senate. The Chief reports to the Secretaries of the Army and Air Force and has executive agent responsibility for planning and coordinating the execution of military support operations.

National Guard commanders are responsible for training their forces for both their federal and state missions. These missions, as they apply to state and local support, include, but are not limited to:

- Contracting for supplies and services
- Managing supply operations and movements
- Preparing and distribute meals
- Purifying, storing, and removing waste
- Repairing vehicles and equipment
- Constructing life support centers
- Removing debris
- Providing power generation
- Providing medical services
- Providing communications capability

The State Area Command (STARC) is a mobilization entity that has been established in each state. It organizes, trains, plans, and coordinates the mobilization of National Guard units for state and federal missions. The State Area Command is responsible for emergency planning and responses with access to all the National Guard resources within its jurisdiction. It

also directs the deployment and employment of National Guard units for domestic support operations, including military support to civil authorities. Federal equipment assigned to the National Guard may be used for emergency support on an incremental, cost-reimbursable basis.

U.S. Property and Fiscal Officers (USPFO) are assigned to NGB and detailed for duty at each state. They are accountable for all federal resources provided to the National Guard of each state. The USPFO staff provides supply, transportation, contracting, and financial support for the state's National Guard. When required, the USPFO can operate as a support installation for active components or reserve forces on a reimbursable basis.²⁸

STATE AND LOCAL RESPONSE

Within each state, a specific office is charged by statute to assist the governor in executing emergency support operations. Although the titles of these offices vary from state to state, their functions remain the same. The titles of these offices may be the Department of Emergency Services, Department of Public Safety, or Office of Emergency Services (OES). The OES is normally organized as a stand-alone office under the Governor or aligned under the Adjutant General (TAG). It operates the state Emergency Operations Center and coordinates state assistance to

the local community with that of the federal government. State functional support to the OES would include public affairs, human resources, public safety, transportation, commerce, and military assistance through the National Guard.²⁹

Each state, territory, and the District of Columbia has an Adjutant General or Commanding General who has the responsibility for the administration of the National Guard program within that state. Each such office has the capacity to administer the requirements of both the Army and Air National Guard elements located in the state. The TAG, working through the STARC, coordinates the emergency response plans for state emergencies. Although the governor is in command, the TAG is actually in charge of the state National Guard forces called to State Active Duty.³⁰

Within their respective communities, mayors, city managers, local police, fire officials, and sheriffs are among the officials responsible for law enforcement and public safety. These agencies will develop appropriate emergency response plans and will respond to emergencies within their jurisdictions commensurate with their capabilities. Once they determine that the emergency is beyond their capabilities, the senior local officials are responsible for requesting additional assistance and resources from the governor.³¹

The governor is empowered by the U.S. Constitution and each state constitution to execute the laws of the state. He is responsible for the health, safety, and welfare of all personnel within the state. The governor is responsible for issuing executive orders declaring States of Emergency and for ensuring that state agencies plan for disaster response actions. Once a disaster occurs, he assesses the emergency and determines whether local requests for assistance should be honored. When he determines the requests are valid, he will direct whatever measures are appropriate to satisfy these requirements. Included in this action is the declaration of a State of Emergency and activation of the state response plan.³²

As the state's chief executive officer, the governor is the commander of the Army and Air National Guard. He has the power to authorize and order the National Guard to take specific action in response to contingency operations. The National Guard has always actively supported these activities. Recent high profile operations, such as the Mississippi River floods, Hurricanes Andrew and Iniki, the Los Angeles Riots, the bombing in Oklahoma City, and the wild fires in the Western States are examples of only a few of the operations undertaken by the National Guard. During these events, the magnitude of the disaster was such that local capabilities were taxed to the absolute limit. When requested, the governor provided additional assistance.

When the capability of the state and local assets proves to be inadequate, the governor will petition the president for federal assistance. The request for aid is initiated through a governor's request that the president declare the incident a disaster. This request will be made through FEMA, which then evaluates the situation. When the situation warrants it, FEMA recommends to the president that he enact a Declaration of Emergency or declare the incident a major disaster. The Federal Emergency Management Agency then notifies the appropriate federal agencies, which respond commensurate with the situation.

FEDERAL RESPONSE

The Federal Response Plan, Public Law 93-288 (also known as the Stafford Act), established the basis for federal assistance to states and local governments that have been impacted by a catastrophic event. The Stafford Act assumes that the local governments will be overwhelmed by the magnitude of the task of responding to save lives and property. The state governor requests a presidential declaration and the Federal Emergency Management Agency (FEMA) evaluates the request. A major disaster declaration by the president is a prerequisite for federal response and recovery. A Federal Coordinating Officer (FCO)³³ from FEMA will be appointed to coordinate federal assistance.

Federal departments and agencies will provide assistance directly to the state under the direction of the FCO.³⁴

With regard to federal military assistance, FEMA will notify the Director of Military Support (DOMS). The Director of Military Support will coordinate DOD assistance, develop procedures, and monitor the employment of DOD resources. Throughout the crisis, DOMS will maintain liaison with FEMA to ensure that all involved are kept informed of the status of support and requests for additional needs. The Director of Military Support will task the services, defense agencies, and the appropriate CINC to support other federal, state, or local agencies.³⁵

To prevent imminent suffering and loss of life, military commanders are authorized to provide emergency support prior to a presidential declaration. During these operations, military support supplements, rather than replaces, civil agency responsibilities. Domestic support is provided through military camps, posts, and armories to members of the communities in which they are located.³⁶

Within the federal government, the following agencies may play a major role in providing federal assistance:

Federal Emergency Management Agency (FEMA)

- Directs and coordinates the entire Federal relief effort on behalf of the President.
- Lead agency for planning response operations.

- Has the authority to direct any Federal Agency to assist.

Department of Defense (DOD)

- Establishes the Secretary of the Army as the Executive Agent in military support to domestic emergencies.
- Tasks the Director of Military Support (DOMS) to coordinate DOD assistance, develop procedures and monitor the employment of all DOD resources.
- Lead Agency for Urban Search and Rescue.
- U.S. Army Corps of Engineers provides flood response assistance; repairs flood damaged dikes and provides engineering and construction assistance.

U.S. Coast Guard

- Assists civil authorities in protecting life and property during maritime disasters.
- Conducts hazardous material cleanup on navigable waters.

American Red Cross (ARC)

- Lead agency for care for disaster response operations.
- Provides relief to reduce suffering caused by a disaster.

U.S. Department of Transportation

- Lead agency for all transportation related issues during disaster response operations.

Environmental Protection Agency (EPA)

- Lead Agency for hazardous material removal.

- Conducts hazardous material removal from land and navigable waterways.

Depending on the contingency, some or all of the following agencies may also be considered:

- Department of Agriculture
- National Communications System
- Department of Energy
- Department of Health and Human Services
- Department of Interior
- General Services Administration (GSA)

This comprehensive list of Federal Agencies portends the complex interagency relationships that develop during the various responses to state and local needs.

CONCLUSIONS

Lessons learned from previous DSOs provide insight and direction for advance planning, coordination, and communication required among interagency participants to support a successful large scale operation. Domestic Support Operation planning and execution should parallel the processes that are followed for the planning and execution of combat operations. While many of the duties and missions assigned may be administrative in nature, the actual conduct of the operations to accomplish the mission should mirror the military model.

Domestic Support Operations usually draw extensive media attention. Commanders will operate in an environment of complex information demands. Ultimately, the public impression of the assistance effort depends to a great extent on the media. The public perception will also be influenced by the cooperation and coordination between commanders and civilian leaders.³⁷

Understanding the DOD role in the Federal Response Plan will assist commanders at every level. Subordinate leaders will benefit from familiarity with civil and municipal structure and operations. Department of Defense and non DOD (civilian) personnel should know the reporting channels, should have a clear understanding of who is in charge, and should know how military units and civilian agencies conduct operations during DSO. The use of liaison officers (LNO) with both military and civilian organizations can significantly enhance command and control. Selecting the right personnel as LNO is critically important.

The very presence of the military uniform in a crisis situation indicates authority. Therefore the armed forces of our nation must be proactive in Domestic Support Operations. However, as federal agencies know, the National Guard has immediate and first response responsibility for most DSOs, which may require temporary or sustained operations. When sustained operations are required, plans must include provisions for

transferring responsibility to appropriate Federal Agencies and or Active Component military forces.

By all accounts, civilian and military response to natural disasters, situations of domestic violence, and acts of terrorism has improved dramatically during the last several years. Not only are civilian response agencies better trained and prepared to offer assistance, but the nation's military forces are also better trained in response procedures. Joint training exercises have been conducted, formal schools have been established, and federal, state, and local agencies, to include military organizations, have exchanged plans and Standard Operating Procedure documents.

Through lessons learned from recent Domestic Support Operations, through increased attention and planning from all involved parties, and through appropriate enabling legislation, we have developed an adequate process and designated sufficient resources to provide systematic, coordinated, and effective responses to restore civil order and to mitigate suffering and property loss resulting from civil emergencies and disasters.

END NOTES

¹ Department of the Army, Domestic Support Operations, Field Manual 100-19/Fleet Marine Force Manual 7-10, (Washington: U.S. Department of the Army/The Marine Corps, 1 July 1993), 1-1.

² FORSCOM. Command Readiness Program - 1994. Domestic Support Operations Situation Manual (SITMAN). (Atlanta: FORSCOM, June 1994), 5. FORSCOM, SITMAN, 5.

³ Ibid.

⁴ FM 100-19/FMFM 7-10, 1-2.

⁵ Ibid.

⁶ FORSCOM SITMAN, 6.

⁷ FM 100-19/FMFM 7-10, 1-3.

⁸ FORSCOM SITMAN, 6.

⁹ FM 100-19/FMFM 7-10, 1-3.

¹⁰ Ibid.

¹¹ Title 18, USC 1385, **Posse Comitatus Act**. The Act prescribes criminal penalties for use of the U.S. Army or Air Force to perform civilian law enforcement functions within the United States, unless otherwise authorized by law. (U.S. Navy and Marine Corps included within this prohibition by DOD policy.)

¹² FM 100-19/FMFM 7-10, 1-3.

¹³ Ibid.

¹⁴ **DOD Executive Agent**. The Secretary of the Army is the DOD Executive Agent for DSO. As the Executive Agent, he develops necessary planning guidance, plans, and procedures. The Secretary of the Army has authority to task DOD components to plan for and to commit DOD resources in response to requests for military support from civil authorities. Any commitment of military forces of the unified and specified commands must be coordinated in advance with the Chairman, Joint Chiefs of Staff (CJCS). The Secretary uses the inherent authority of his office to direct Army assistance to DSO.

¹⁵ **Federal Coordinating Officer (FCO).** The senior Federal official appointed to act for the President in accordance with the provisions of the P.L. 93-288, as amended. The FCO represents the President for the purpose of coordinating the administration of federal relief activities in the designated area. Additionally, the FCO is delegated and performs those responsibilities of the FEMA Director outlined in Executive Order 12148 and those responsibilities delegated to the FEMA Regional Director in Title 44 Code of Federal Regulations, Part 205. These responsibilities include authority for tasking of federal agencies delegated to the Disaster Recovery Manager for typical disaster recovery assistance.

¹⁶ FM 100-19/FMFM 7-10, 2-1.

¹⁷ Title 42, USC 5121, et seq., **The Robert T. Stafford Disaster Relief and Emergency Assistance Act**, as amended. The Stafford Act provides an orderly and continuing means of assistance by the Federal Government to state and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from disasters. The President may declare an "emergency" (42 USC 5191) or "major disaster" (42 USC 5170), thereby permitting mobilization of federal assistance under the Act. In addition, the Act authorizes the President to order "emergency work" under 42 (USC 5170b(c) (ten days in duration) before declaring either an emergency or major disaster. The Act provides for the designation of a Federal Coordinating Officer (42 USC 5143), who coordinates the administration of all relief efforts by federal agencies.

¹⁸ Executive Order 12656, **Assignment of Emergency Preparedness Responsibilities.** Assigns "lead responsibilities" and "support responsibilities" to each of the federal agencies responsible for National Security Emergency Preparedness. Establishes FEMA as the coordinating agency for all federal agencies (less DOD).

¹⁹ **Immediate Response.** Military commanders may act prior to a Presidential disaster declaration when an immediate life-threatening situation develops. When a disaster or emergency is imminent and awaiting instructions from higher authority would preclude responding effectively, military commanders may act. Commanders use their assessment of mission requirements and the capabilities of their commands to judge the extent of immediate military assistance to be provided. Immediate response does not supplant established policy for Military Support to Civil Authorities, nor does it take precedence over a primary military mission. When the President determines federal assistance will

be provided, the commander will continue to provide military support as directed by DOD.

²⁰ FORSCOM SITMAN, 7.

²¹ Joint Chiefs of Staff, Joint Tactics, Techniques, and Procedures for Domestic Support Operations, Joint Pub 3-07.7 (Draft) (Washington: Joint Chiefs of Staff, 5 June 1996), II-8.

²² FORSCOM SITMAN, 91.

²³ FM 100-19/FMFM 7-10, 3-4.

²⁴ U.S. Constitution, art. I, sec. 8. cls. 16.

²⁵ National Interagency Counterdrug Institute (NICI), Military Support for Civil Authorities: Resource Guide (San Luis Obispo: NICI, 1994), 3-1.

²⁶ Mobilization Statutes (Army and Air National Guard), U.S. Code, vol. 32, secs. 502, 3500 (1956).

²⁷ NICI, 3-1.

²⁸ Ibid., 3-2.

²⁹ Ibid., 2-1.

³⁰ Ibid., 2-2.

³¹ FM 100-19/FMFM 7-10, 2-13.

³² Ibid., 2-10.

³³ NICI, 4-1.

³⁴ Ibid., 1-2.

³⁵ FM 100-19/FMFM 7-10, 5-2.

³⁶ NICI, 1-2.

³⁷ Joint Pub 3-07.7, D-1.

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